

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

STEVE SNYDER-HILL, *et al.*,

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:18-cv-00736-MHW-EPD

Judge Michael H. Watson

Chief Magistrate Judge Elizabeth P. Deavers

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs submit the attached opinion as supplemental authority. *See Exhibit 1 (Karasek v. Regents of the University of California, 2020 WL 6684869, at \*1 (N.D. Cal. Nov. 12, 2020)).* *Karasek* held that “a plaintiff’s Title IX pre-assault claim” against a university “accrues when the plaintiff knows or has reason to know of the school’s policy of deliberate indifference that created a heightened risk of harassment.” *Id.* at \*8. The district court explained that “[i]n a pre-assault case . . . [a] school is not liable because it assaulted a plaintiff. A school is instead liable for its policy of deliberate indifference that created a heightened risk of harassment, which is ultimately causally connected with the assault.” *Id.* The court denied the university’s motion to dismiss the plaintiff’s claim as time-barred because the plaintiff was unaware of the university’s alleged policy of deliberate indifference until an audit report was publicly released years after her assault. *Id.* at \*10-11. *Karasek* provides further support that Plaintiffs’ Title IX claims against OSU for the university’s deliberate indifference did not accrue until Plaintiffs knew or should have known of OSU’s role in enabling Dr. Strauss’s abuse. *See also* Dkt 133 (Pl. Opp.) at 15-18.

Dated: Columbus, OH  
November 18, 2020

Respectfully submitted,

By: /s/ Scott Smith, with email permission to  
Debra L. Greenberger -

SCOTT ELLIOTT SMITH, LPA  
Scott E. Smith (0003749)  
Michael L. Dillard, Jr. (0083907)  
5003 Horizons Drive, Suite 100  
Columbus, Ohio 43220  
Phone: (614) 846-1700  
Fax: (614) 486-4987  
E-Mail: [ses@sestrailaw.com](mailto:ses@sestrailaw.com)  
E-Mail: [mld@sestriallaw.com](mailto:mld@sestriallaw.com)

Ilann M. Maazel (admitted *pro hac vice*)  
Debra L. Greenberger (admitted *pro hac vice*)  
Marissa Benavides (admitted *pro hac vice*)  
EMERY CELLI BRINCKERHOFF ABADY  
WARD & MAAZEL LLP  
600 Fifth Avenue, 10<sup>th</sup> Floor  
New York, New York 10020  
Phone: (212) 763-5000  
Fax: (212) 763-5001  
E-Mail: [imaazel@ecbawm.com](mailto:imaazel@ecbawm.com)  
E-Mail: [dgreenberger@ecbawm.com](mailto:dgreenberger@ecbawm.com)  
E-Mail: [mbenavides@ecbawm.com](mailto:mbenavides@ecbawm.com)

Adele P. Kimmel (admitted *pro hac vice*)  
Alexandra Brodsky (admitted *pro hac vice*)  
PUBLIC JUSTICE, P.C.  
1620 L Street, NW, Suite  
630 Washington, DC 20036  
Phone: (202) 797-8600  
Fax: (202) 232-7203  
E-mail: [akimmel@publicjustice.net](mailto:akimmel@publicjustice.net)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing document was filed and served, via the Court's CM/ECF system on November 18, 2020, on all counsel of record.

By: /s/ Debra L. Greenberger  
Attorney for Plaintiffs